

# WUERSCH & GERING

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June 27, 2024

**Via ECF and Electronic Mail**

Hon. Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 2103  
New York, N.Y. 10007  
[Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov)

**MEMO ENDORSED**

Re: *Fernandez v. Davines North America, Inc.*, Case No. 1:24-cv-04218-KPF (S.D.N.Y.)  
**Letter Motion for Extension of Time to Respond to Complaint and to Adjourn  
Initial Pretrial Conference**

Dear Judge Failla:

This law firm represents Defendant Davines North America, Inc. (“Davines”) in the above-referenced litigation. Pursuant to Section 2(C)(i) of Your Honor’s *Individual Rules of Practice in Civil Cases* and the Court’s Notice of Initial Pretrial Conference (Dkt. 6), we are writing to respectfully request (1) a thirty-day extension of time for Davines to answer, move and plead, or otherwise respond to Plaintiff’s Complaint, and (2) an adjournment of the Initial Pretrial Conference (currently scheduled for July 18, 2024) for a period of four weeks.

The proposed extension of time and adjournment are requested to afford Davines time to investigate the allegations in the Complaint and to respond appropriately. This is Davines’ first request for either an extension of time or an adjournment. Plaintiff has consented to both the proposed extension of time and the proposed adjournment.

The proposed extension of time would move Davines’ deadline to respond to the Complaint from July 1, 2024 to July 31, 2024. The proposed adjournment would adjourn the Initial Pretrial Conference to August 15, 2024, at 10:00 a.m., or a later time and/or date convenient to the Court.<sup>1</sup>

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<sup>1</sup> The Court’s Notice of Initial Pretrial Conference directs the parties to submit, by Thursday of the week before the Initial Pretrial Conference, a Proposed Civil Case Management Plan and Scheduling Order and a joint letter addressing certain case-related matters. Dkt. 6 at 1–2. With Plaintiff’s consent, Davines respectfully requests that the Court permit the parties to file their submissions by Thursday of the week before the rescheduled Initial Pretrial Conference.

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We thank the Court for its attention to this matter.

Respectfully Submitted,

/s/ Maria Luisa Palmese  
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*Attorneys for Defendant  
Davines North America, Inc.*

cc: Counsel of Record (*via* ECF)

Application GRANTED. Defendant shall answer or otherwise respond to the complaint on or before **July 31, 2024**. The initial pre-trial conference is hereby ADJOURNED to **August 14, 2024**, at **2:30 p.m.**

The Clerk of Court is directed to terminate the pending motion at docket number 9.

Dated: June 28, 2024  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE